

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA )

v. )

EDWARD D. SMITH )

No. 3:12-00186-1  
CHIEF JUDGE HAYNES

**MOTION TO CONTINUE TRIAL, TO EXTEND TIME FOR FILING MOTIONS  
REQUIRING AN EVIDENTIARY HEARING, AND  
TO CANCEL THE PRETRIAL CONFERENCE**

Defendant Edward D. Smith respectfully moves the Court to continue his January 22, 2013, trial date; to extend the time for filing pretrial motions requiring an evidentiary hearing; and to cancel the pretrial conference currently set on Monday, January 7, 2013. Mr. Smith is incarcerated pending the trial in this matter and pending a hearing on a petition to revoke a separate term of supervised release.

In support of this motion, defense counsel has filed a sealed affidavit. As set forth in the affidavit, the primary basis for seeking a continuance at this time is to ascertain the medical status of Mr. Smith before counsel can proceed further. The Speedy Trial Act excludes from computation any delay resulting from any proceeding, including examinations, to determine the mental competency or physical capacity of the defendant. 18 U.S.C. §3161(h)(1)(A).

The defense requests that this matter be continued by approximately 120 days, and that the time for filing pretrial motions requiring an evidentiary hearing be extended until 30 days prior to trial.

Defense counsel has current availability for trial on any of the following dates: May 21, June 4, June 11, June 18, June 25, July 2.

*OK'd*  
*This motion is to be set in the interests of justice to allow defense counsel time to assess the defendant's competency to proceed. That trial will be set after a competency examination.*  
*I will set it.*  
*1-7-13*